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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 358 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

SANJAY KANTILAL PADHADAR

Versus

HEIRS OF PARBAT NATHU

Appearance:

MR SURESH M SHAH for Appellant
MR YOGESH S LAKHANI for Respondent No. 1
RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 29/08/2000

ORAL JUDGEMENT

Heard Shri Mehul S.Shah, learned advocate for the
appellant and Shri Viren Dave, learned advocate for the

respondents.

2. This is an appeal under Sec.104 C.P.C. read with Order 43 Rule 1(r) C.P.C. filed by the original defendant no.2, challenging the order dt. 5th June, 1998 passed below Ex.5 in Special Civil Suit No.6 of 1996 passed by Joint Civil Judge (S.D.), Gondal (who will be referred to hereinafter as the learned Judge of the trial court).

3. When this appeal is taken up for final hearing, the learned advocates for both the parties submitted that without assigning reasons for disposing of this appeal, necessary orders be passed directing the learned Judge of the trial Court to dispose of the suit at the earliest.

4. Having heard the learned advocates for both the parties and after taking into consideration the grounds stated in appeal memo and the impugned order challenged in this appeal, I deem fit, proper and justifiable to dispose of this appeal by giving certain directions to the learned Judge of the trial court.

4. The learned Judge of the trial court i.e. learned Joint Civil Judge (S.D.), Gondal is hereby ordered and directed to dispose of Special Civil Suit No.6 of 1996 pending on his file, as early as possible, preferably within six months from the date of receipt of writ of this court in this matter. Considering the facts and circumstances, there shall be no order as to costs.

5. In view of the above directions, this appeal stands disposed of accordingly. Impugned order challenged in this present appeal shall continue to r
the suit, subject to directions given by this court.

Date: 29/8/2000. (H.H.MEHTA,J.)

ccshah